

(b)(1) For the purpose of this resolution, the term "tax earmark" means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(2) for purposes of paragraph (1)—

(A) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(B) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(C) all employees of an employer shall be treated as a single beneficiary;

(D) all qualified plans of an employer shall be treated as a single beneficiary;

(E) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(F) all contributors to a charitable organization shall be treated as a single beneficiary;

(G) all holders of the same bond issue shall be treated as a single beneficiary; and

(H) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(3) for the purpose of this subsection, the term "revenue-losing provision" means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

(A) the first fiscal year for which the provision is effective; or

(B) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

(4) the terms used in this subsection shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

(c) For the purpose of this resolution—

(1) government-sponsored enterprises, Federal facilities, and Federal lands shall be considered Federal entities;

(2) to the extent that the non-Federal entity is a State, unit of local government, territory, an Indian tribe, a foreign government or an intergovernmental international organization, the provision or language shall not be considered an earmark unless the provision or language also specifies the specific purpose for which the designated budget authority is to be expended;

(3) the term "budget authority" shall have the same meaning as such term is defined in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622); and

(4) an obligation limitation shall be treated as though it is budget authority.

#### THOMAS J. MANTON POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6033.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6033, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 450]

YEAS—403

Abercrombie	Diaz-Balart, L.	Johnson (IL)
Ackerman	Diaz-Balart, M.	Johnson, E. B.
Aderholt	Dicks	Jones (NC)
Akin	Dingell	Jones (OH)
Alexander	Doggett	Kanjorski
Allen	Doolittle	Kaptur
Andrews	Doyle	Kelly
Baird	Drake	Kennedy (MN)
Baldwin	Dreier	Kennedy (RI)
Barrett (SC)	Duncan	Kildee
Barrow	Edwards	Kilpatrick (MI)
Bartlett (MD)	Ehlers	Kind
Barton (TX)	Emanuel	King (IA)
Bass	Emerson	King (NY)
Bean	Engel	Kingston
Beauprez	English (PA)	Kirk
Becerra	Eshoo	Kline
Berkley	Etheridge	Knollenberg
Berman	Everett	Kucinich
Berry	Farr	Kuhl (NY)
Biggert	Fattah	LaHood
Bilbray	Feeney	Langevin
Bilirakis	Filner	Lantos
Bishop (GA)	Fitzpatrick (PA)	Larsen (WA)
Bishop (NY)	Flake	Larson (CT)
Blackburn	Foley	Latham
Blumenauer	Ford	LaTourette
Blunt	Fortenberry	Leach
Boehner	Fossella	Lee
Bonilla	Fox	Levin
Bono	Frank (MA)	Lewis (CA)
Boozman	Franks (AZ)	Lewis (GA)
Boren	Frelinghuysen	Lewis (KY)
Boswell	Gallegly	Linder
Boucher	Garrett (NJ)	Lipinski
Boustany	Gerlach	LoBiondo
Bradley (NH)	Gibbons	Lofgren, Zoe
Brady (PA)	Gilchrest	Lowey
Brady (TX)	Gillmor	Lucas
Brown (OH)	Gingrey	Lungren, Daniel
Brown (SC)	Gohmert	E.
Brown, Corrine	Gonzalez	Lynch
Brown-Waite,	Goode	Mack
Ginny	Goodlatte	Maloney
Burgess	Gordon	Manzullo
Butterfield	Granger	Marchant
Buyer	Graves	Markey
Calvert	Green (WI)	Marshall
Camp (MI)	Green, Al	Matheson
Campbell (CA)	Green, Gene	Matsui
Cannon	Grijalva	McCarthy
Cantor	Gutierrez	McCaul (TX)
Capito	Gutknecht	McCollum (MN)
Capps	Hall	McCotter
Capuano	Harman	McCrery
Cardoza	Harris	McDermott
Carnahan	Hart	McGovern
Carson	Hastings (FL)	McHenry
Carter	Hastings (WA)	McHugh
Castle	Hayes	McIntyre
Chabot	Hayworth	McKeon
Chandler	Hefley	McMorris
Chocola	Hensarling	Rodgers
Clay	Herger	McNulty
Cleaver	Hereth	Meehan
Clyburn	Higgins	Meek (FL)
Coble	Hinche	Meeks (NY)
Cole (OK)	Hinojosa	Melancon
Conaway	Hobson	Mica
Conyers	Hoekstra	Michaud
Cooper	Holden	Millender-
Costa	Holt	McDonald
Costello	Honda	Miller (FL)
Crenshaw	Hooley	Miller (MI)
Crowley	Hostettler	Miller (NC)
Cubin	Hoyer	Miller, George
Cuellar	Hulshof	Mollohan
Cummings	Hunter	Moore (KS)
Davis (AL)	Hyde	Moore (WI)
Davis (CA)	Inglis (SC)	Moran (KS)
Davis (IL)	Inslee	Moran (VA)
Davis (KY)	Israel	Murphy
Davis (TN)	Issa	Murtha
Davis, Jo Ann	Istook	Musgrave
Davis, Tom	Jackson (IL)	Myrick
Deal (GA)	Jackson-Lee	Nadler
DeFazio	(TX)	Napolitano
DeGette	Jefferson	Neugebauer
DeLauro	Jenkins	Northup
Dent	Jindal	Norwood
	Johnson (CT)	Nunes

Oberstar	Rothman	Sullivan
Obey	Roybal-Allard	Sweeney
Oliver	Royce	Tancred
Ortiz	Ruppersberger	Tanner
Osborne	Rush	Tauscher
Otter	Ryan (OH)	Taylor (MS)
Owens	Ryan (WI)	Taylor (NC)
Oxley	Ryun (KS)	Terry
Pallone	Sabo	Thomas
Pascarella	Salazar	Thompson (CA)
Pastor	Sánchez, Linda	Thompson (MS)
Paul	T.	Thornberry
Payne	Sanders	Tiahrt
Pearce	Saxton	Tiberi
Pelosi	Schakowsky	Tierney
Pence	Schiff	Towns
Peterson (MN)	Schmidt	Turner
Peterson (PA)	Schwartz (PA)	Udall (CO)
Petri	Schwartz (MI)	Udall (NM)
Pickering	Scott (GA)	Upton
Pitts	Scott (VA)	Van Hollen
Platts	Sensenbrenner	Velázquez
Poe	Serrano	Visclosky
Pombo	Sessions	Walden (OR)
Pomeroy	Shadegg	Walsh
Porter	Shaw	Wamp
Price (GA)	Shays	Wasserman
Price (NC)	Sherman	Schultz
Pryce (OH)	Sherwood	Waters
Putnam	Shimkus	Watson
Radanovich	Shuster	Watt
Rahall	Simmons	Waxman
Ramstad	Simpson	Weiner
Rangel	Skelton	Weldon (FL)
Regula	Slaughter	Weldon (PA)
Rehberg	Smith (NJ)	Weller
Reichert	Smith (TX)	Wexler
Renzi	Smith (WA)	Wicker
Reyes	Snyder	Wilson (SC)
Reynolds	Sodrel	Wolf
Rogers (AL)	Solis	Woolsey
Rogers (KY)	Souder	Wu
Rogers (MI)	Spratt	Wynn
Rohrabacher	Stark	Young (AK)
Ros-Lehtinen	Stearns	Young (FL)
Ross	Stupak	

NOT VOTING—29

Baca	Cramer	Miller, Gary
Bachus	Culberson	Neal (MA)
Baker	Davis (FL)	Ney
Bishop (UT)	Evans	Nussle
Boehlert	Ferguson	Sanchez, Loretta
Bonner	Forbes	Strickland
Boyd	Johnson, Sam	Westmoreland
Burton (IN)	Keller	Whitfield
Cardin	Kolbe	Wilson (NM)
Case	McKinney	

□ 1745

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. KELLER. Mr. Speaker, I have remained in Orlando, Florida, with my wife as she prepares to give birth to our new baby daughter. If I had been present today, I would have voted in the following manner: rollcall 441: "No"; rollcall 442: "No"; rollcall 443: "Yea"; rollcall 444: "Yea"; rollcall 445: "Nay"; rollcall 446: "Aye"; rollcall 447: "Yea"; rollcall 448: "Yea"; rollcall 449: "Aye"; rollcall 450: "Yea."

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. BOEHNER), the majority leader, for the purposes of inquiring about the schedule for the week to come.

I informed his staff of the length of time I thought this would take, I am sure she has informed him, and he is still here.

Mr. BOEHNER. I thank my friend and colleague from Maryland for yielding.

Mr. Speaker, next week, the House will convene Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. There are a number of items on the suspension calendar. A final list of those bills will be sent to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider H.R. 6054, the Military Commissions Act, from the Committee on Armed Services; and H.R. 4844, the Federal Election Integrity Act, from the Committee on House Administration. The House will also consider additional legislation on border security, including providing for more Border Patrol agents, stricter enforcement, enhancing State and local law enforcement authority.

I would also like to note conference reports may be brought up at any time, and I expect to see H.R. 5122, the Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007, a conference report, and hopefully we will have that passed next week.

About Friday votes, I know Members want to get home in time next Friday for Rosh Hashanah, and I am working to make that happen. But to do that, I believe we will be in very late on Thursday.

So I would suggest to Members that if they want to make flight arrangements for first thing on Friday morning, that would be the safe thing to do, but I do expect that we will be in late on Thursday in order to complete our work for the week.

Mr. HOYER. I want to thank the gentleman for that notice to Members. I think that is very helpful. He and I talked about it last week and he said he would work on it. I very much appreciate that and I know the Members do as well. I thank you for that.

Mr. Leader, this may have been an oversight. You did not mention that first votes will be 6:30 on Tuesday of next week. Is that correct?

Mr. BOEHNER. That is correct.

Mr. HOYER. On H.R. 4844, the Federal Election Integrity Act, I have not talked to any members of the committee nor the Rules Committee. As you know, I was the sponsor of the HAVA act, along with BOB NEY, and very interested in this entire issue.

Can you tell me about whether it will be open to amendments or that amendments need to be into the Rules Committee at a certain time, what you contemplate?

Mr. BOEHNER. This bill was reported out of the House Administration Committee some time ago. I imagine we will see an announcement out of the Rules Committee in terms of when their hearing is and whether they will call for amendments. But I would expect that announcement to come from the Rules Committee.

Mr. HOYER. I appreciate that. I would hope, Mr. Leader, that on this bill it could be open to amendment in some form, because clearly this is a critically important issue. As you know, we have just had our primary in Maryland. We had a number of glitches. I don't think there was any wrongdoing, but there was certainly some negligence which led to disruption. I don't think there was anything that perhaps deals particularly with this bill, but I am hopeful that we can consider it in a way that will allow Members to offer their own suggestions. I thank the gentleman for consideration of that issue.

With respect to the border security related legislation, there is a mention of other security legislation possibly coming to the floor. Can you be a little more specific as to what you contemplate might be on the floor next week?

Mr. BOEHNER. I am expecting that next week, and possibly as early and going into the following week, we may have two or three packages of issues that are intended to help strengthen our border. As the gentleman is aware, we have done a lot over the last 4 or 5 years to strengthen the border, adding additional Border Patrol agents, fencing, all types of technology.

We now have the National Guard down on the border. But we believe that there are a number of smaller issues that we can work with the Senate on and possibly include in the Homeland Security appropriations conference report. We talked about it today earlier in a press event. A list of those bills will be available, should be available by now.

Mr. HOYER. I thank the gentleman for that information.

On the military commissions/domestic surveillance, you list a bill regarding military commissions for next week. Is there any possibility that we might also have on the floor legislation dealing with the issue of domestic wiretapping surveillance?

I yield to my friend.

Mr. BOEHNER. The terrorist surveillance program is expected to be marked up next week in the Judiciary Committee, which I would then suspect would be on the floor the week thereafter.

Mr. HOYER. I thank the leader for his information.

Again, briefly, I was not going to ask it, but I am constrained to ask it. Is there any chance, Mr. Leader, that we will be able to consider the Labor-Health bill on the floor? It is the only appropriation bill, as you well know, that we have not passed through the House. We have done the other 10.

Do you have any expectation that that bill might be on the floor either next week or the week thereafter?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

There are conversations continuing about that bill. There are still some

issues in that bill. Those conversations are continuing, but no decisions have been made.

Mr. HOYER. I thank the gentleman. As the gentleman knows, I have an amendment on the minimum wage in that bill.

Mr. BOEHNER. I am well aware of it, yes.

Mr. HOYER. I am very interested in it, and I would hope we could move it.

Notwithstanding the fact that I told your extraordinarily able staffer who sits behind you that it was going to take about 45 minutes for this colloquy, I will yield back the balance of my time at this time.

#### HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 15, 2006, TO TUESDAY, SEPTEMBER 19, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 19, 2006, for morning hour debate.

The SPEAKER pro tempore (Mr. SODREL). Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### AMENDMENT PROCESS FOR CON- SIDERATION OF H.R. 6054, MILI- TARY COMMISSIONS ACT OF 2006

Mr. COLE of Oklahoma. Mr. Speaker, the Committee on Rules may meet the week of September 18 to grant a rule which could limit the amendment process for floor consideration of H.R. 6054, the Military Commissions Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment, and one copy of a brief explanation of the amendment, to the Rules Committee in room H-312 of the Capitol by 12 noon on Tuesday, September 19, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on Armed Services, which is expected to be filed tomorrow, Friday, September 15.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.